

**UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK**

MATTHEW PINSLY, derivatively on  
behalf of BANK OF AMERICA  
CORPORATION,

Plaintiff,

v.

BANC OF AMERICA SECURITIES,  
LLC, BANC OF AMERICA  
INVESTMENT SERVICES, INC.,  
KENNETH D. LEWIS, WILLIAM  
BARNET III, FRANK P. BRAMBLE, SR.,  
JOHN T. COLLINS, GARY L.  
COUNTRYMAN, TOMMY R. FRANKS,  
CHARLES K. GIFFORD, MONICA C.  
LOZANO, WALTER E. MASSEY,  
THOMAS J. MAY, PATRICIA E.  
MITCHELL, THOMAS M. RYAN, O.  
TEMPLE SLOAN, JR., MEREDITH R.  
SPANGLER, ROBERT L. TILLMAN,  
JACKIE M. WARD, J. STEELE ALPHIN,  
AMY WOODS BRINKLEY, AND  
JOSEPH L. PRICE,  
Defendants,

and

BANK OF AMERICA CORPORATION,

Nominal Defendant.

Case No. 1:12-cv-03003-PKC-RLE

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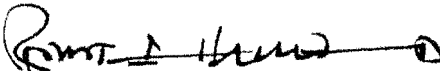
**NOTICE OF VOLUNTARY DISMISSAL  
AGAINST DEFENDANTS WARD AND  
RYAN AND ~~PROPOSED~~ ORDER**

PLEASE TAKE NOTICE that plaintiff, by and through his undersigned counsel, hereby files this Notice of Voluntary Dismissal, pursuant to Fed. R. Civ. P. 41(a)(1) dismissing his complaint without prejudice against defendants Jackie M. Ward and Thomas M. Ryan, subject to Fed. R. Civ. P. 23.1. Dismissal without prejudice is proper by notice pursuant to Fed. R. Civ. P. 41(a)(1) because defendants have not filed an answer or a motion for summary judgment. Because the above-captioned action is in its preliminary stages, it is respectfully submitted that

no notice is required under Fed. R. Civ. P. 23.1 and that the nominal defendant and its shareholders will not be prejudiced by the dismissal of these two defendants.

Dated: August 1, 2012

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Counsel for Plaintiff

So Ordered:

  
\_\_\_\_\_  
U.S.D.J.

10-10-12